

FILED

AUG - 6 2014
U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No.
)
TERRY SWOPES and)
WENDELL MILLER,)
)
Defendants.)

4:14CR00244 CDP/SPM

INDICTMENT

COUNT ONE

The Grand Jury charges that:

On or about July 11, 2014, in the City of Saint Louis, within the Eastern District of Missouri,

TERRY SWOPES,

the Defendant herein, having been convicted previously of a felony crime punishable by a term of imprisonment exceeding one year under the laws of the State of Missouri, did knowingly and intentionally possess one or more firearms; to wit: (1) a Star Bonifacio Echeverria, S.A. make, BKS model, nine millimeter caliber semi-automatic pistol bearing serial number 1039039; (2) a Universal make, M1 model, .30 caliber semi-automatic rifle bearing serial number 158418; (3) a Sturm Ruger and Co. Inc, make, 10/22 Carbine model, .22 long rifle caliber semi-automatic rifle bearing serial number 117-85458; and (4) Sun City Machinery Co., Ltd. make, Steven 320 model, 12 gauge pump shotgun bearing serial number 134515L, all of which traveled in interstate or foreign commerce prior to being in the defendants possession.

In violation of Title 18, United States Code, Section 922(g)(1), and punishable under Title 18, United States Code, Section 924(e).

COUNT TWO

The Grand Jury further charges that:

On or about July 11, 2014, in the City of Saint Louis, within the Eastern District of Missouri,

TERRY SWOPES,

the Defendant herein, did manage and control the premises of 1636 Belt Avenue, Saint Louis, Missouri, as an occupant, and did knowingly and intentionally make available for use the premises for the purpose of unlawfully manufacturing, storing, distributing and using a controlled substance. In violation of Title 21, United States Code, Section 856(a)(2), and punishable under Title 21, United States Code, Section 856(b).

COUNT THREE

The Grand Jury further charges that:

On or about July 11, 2014, in the City of Saint Louis, within the Eastern District of Missouri,

WENDELL MILLER,

the Defendant herein, did knowingly and intentionally possess with the intent to distribute a mixture or substance containing a detectable amount of cocaine base, a Schedule II narcotic controlled substance drug.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR

The Grand Jury further charges that:

On or about July 11, 2014, in the City of Saint Louis, within the Eastern District of Missouri,

WENDELL MILLER,

the Defendant herein, did possess one or more firearms in furtherance of the drug trafficking crime named in Count Three, to wit: (1) Harrington and Richardson make, 732 model, .32 S&W caliber revolver bearing serial number AP112607; and (2) a Hi-Point Firearms make, C9 model nine millimeter caliber semi-automatic pistol bearing serial number P1651276.

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT FIVE

The Grand Jury further charges that:

On or about July 11, 2014, in the City of Saint Louis, within the Eastern District of Missouri,

WENDELL MILLER,

the Defendant herein, having been convicted previously of a felony crime punishable by a term of imprisonment exceeding one year under the laws of the State of Missouri, did knowingly and intentionally possess one or more firearms; to wit: (1) Harrington and Richardson make, 732 model, .32 S&W caliber revolver bearing serial number AP112607; and (2) a Hi-Point Firearms make, C9 model nine millimeter caliber semi-automatic pistol bearing serial number P1651276, both of which traveled in interstate or foreign commerce prior to being in the defendant's possession.

In violation of Title 18, United States Code, Section 922(g)(1) and punishable under Title 18, United States Code, Section 924(e).

FORFEITURE ALLEGATION

The Grand Jury further finds by probable cause that:

1. Pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), upon conviction of an offense in violation of Title 18, United States Code, Sections 922(g) or 924(c), as set forth in Counts One, Four and Five, the defendant shall forfeit to the United States of America any firearm or ammunition involved in or intended to be used in said offense.
2. Pursuant to Title 21, United States Code, Sections 853, upon conviction of an offense in violation of Title 21, United States Code, Section 856(a)(2) or 841(a)(1), as set forth in Counts Two and Three, the defendant shall forfeit to the United States of America any property, constituting or derived from any proceeds obtained, directly or indirectly, as the result of such offense(s) and any property used or intended to be used, in any manner or part to commit or to facilitate the commission of such offense(s).
3. Subject to forfeiture is a sum of money equal to the total value of any property, real or personal, constituting or derived from any proceeds traceable to said offense(s);
4. Specific property subject to forfeiture includes, but is not limited to, the following:
 - a. Star Bonifacio Echeverria, S.A. make, BKS model, nine millimeter caliber semi-automatic pistol bearing serial number 1039039;
 - b. Universal make, M1 model, .30 caliber semi-automatic rifle bearing serial number 158418;
 - c. Sturm Ruger and Co. Inc, make, 10/22 Carbine model, .22 long rifle caliber semi-automatic rifle bearing serial number 117-85458;

- d. Sun City Machinery Co., Ltd. make, Steven 320 model, 12 gauge pump shotgun bearing serial number 134515L;
 - f. Harrington and Richardson make, 732 model, .32 S&W caliber revolver
 - g. Hi-Point Firearms make, C9 model nine millimeter caliber semi-automatic pistol bearing serial number P1651276; and
 - h. \$1,280.00 in U.S. Currency.
5. If any of the property described above, as a result of any act or omission of the defendant:
- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be divided without difficulty,

the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL.

FOREPERSON

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